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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,751	02/12/2001	Stein A. Lundby	000411	9685
23696	7590	04/17/2007	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			ORGAD, EDAN	
			ART UNIT	PAPER NUMBER
			2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/17/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/17/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
kascanla@qualcomm.com  
nanm@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/782,751	LUNDBY, STEIN A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Edan Orgad	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 September 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 11 and 12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 11/17/05 with respect to claims 4-6, 8, 9 and 11 have been fully considered but they are not persuasive.

Regarding applicant's arguments, examiner respectfully disagrees. With respect to claims 1-3 and 7, applicant is relying on the intended use of the second power control instruction, however this claim is solely limited to "a remote station" and cannot be defined or limited by what a base station - or anything else may or may not do. That is, the power control unit need only generate an instruction in response to the estimate. The claim clearly states "... is used ... at a base station", but the claim is directed to the remote station, therefore, the intended use bears no patentable weight in this particular case. With respect to claims 4-6, 8, 9, and 11, applicant argues that Knutsson has no teaching of power control over a common channel. This argument is moot since examiner relied on Chen for the teachings of a common power control. Applicant further argues examiner's motivation, examiner again respectfully disagrees, the motivation is to comply with any/all known cdma channel structures. Therefore, it would not appear pertinent to whether or not Knutsson only applies to soft hadoff.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashem et al (US 6,330,456) in view of Moon et al (US 2004/0066772).

Regarding claim 1, Hashem teaches a remote station apparatus (col. 3, lines 24-26) comprising: a link quality estimation unit operative to generate a link quality estimate in response to a first power control instruction (col. 3, lines 64-67); and a power control unit coupled to the link quality estimation unit, the power control unit operative to generate a second power control instruction in response to the link quality estimate (col. 4, lines 1-35).

However, Hashem fails to specifically disclose said power control instruction is received on a common channel wherein the second power control instruction is used to adjust the transmit power of the common channel at a base station.

However, in related art, Moon discloses a shared channel structure for use in a forward link power control scheme, in other words, a power control instruction received on a common channel wherein the second power control instruction is used to adjust the transmit power of the common channel at a base station (see Moon, abstract & ¶ 0014 & 0022).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include said power control instruction to be received on a common channel with Hashem's existing power control scheme in order to reduce the space needed.

Regarding claim 2, Hashem teaches the remote station apparatus controls transmission power in response to the first power control instruction (col. 4, lines 28-32).

Regarding claim 3, Hashem teaches the remote station apparatus transmits the second power control instruction (col. 4, lines 42-47).

Regarding claims 7 and 12, Hashem teaches a method for power control in a wireless apparatus operative in a communication system having a forward link and a reverse link (col. 3, lines 64-67), the system transmitting power control bits, on a forward link channel, the method comprising: measuring a SNR of at least one power control bit for controlling a reverse link; and determining a power control decision for the forward link based on the SNR (col. 3, lines 23-30 & col. 4, lines 1-35).

However, Hashem fails to specifically disclose said power control instruction is received on a common channel wherein the second power control instruction is used to adjust the transmit power of the common channel at a base station.

However, in related art, Moon discloses a shared channel structure for use in a forward link power control scheme, in other words, a power control instruction received on a common channel wherein the second power control instruction is used to adjust the transmit power of the common channel at a base station (see Moon, abstract & ¶ 0014 & 0022).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include said power control instruction to be received on a common channel with Hashem's existing power control scheme in order to reduce the space needed.

Claims 4-6, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knutsson et al (WO 99/53630) in view of Chen et al (US 2002/0105929).

Regarding claims 4, 6 & 8, Knutsson teaches a base station apparatus (element MS) comprising: a decoder (inherent); and a determination unit coupled to the decoder, the determination operative to determine a received power control instruction for base station transmission on a channel (pg. 5, lines 25-27); and an adjustment unit coupled to the determination unit, the adjustment unit operative to adjust a transmission power level of the power control instruction (pg. 5, lines 27-29).

However, Knutsson fails to specifically disclose said power control instruction is received on a common channel.

However, in related art, Chen discloses a shared channel structure for use in a forward link power control scheme, in other words, a power control instruction received on a common channel (see Chen, abstract & ¶ 0106 & 0110).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include said power control instruction to be received on a common channel with Knutsson's existing power control scheme in order to reduce the space needed.

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Regarding claims 5 & 9, Knutsson teaches a base station apparatus (element BS) comprising: a control processor (inherent) for power control of transmission of power control instructions on a channel, wherein a transmission power level of the power control instruction is initially set to a reference value (pg. 9, lines 5-7); and an amplifier (inherent) operative to adjust a power level of the power control instructions (pg. 9, lines 1-5 & pg. 10, lines 11-15).

However, Knutsson fails to specifically disclose said power control instruction is received on a common channel.

However, in related art, Chen discloses a shared channel structure for use in a forward link power control scheme, in other words, a power control instruction received on a common channel (see Chen, abstract & ¶ 0106.& 0110).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include said power control instruction to be received on a common channel with Knutsson's existing power control scheme in order to reduce the space needed.

Regarding claim 11, Knutsson teaches a transmission power level of the power control instruction is initially set to a reference value (pg. 9, lines 5-9).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDAN ORGAD  
PRIMARY PATENT EXAMINER

Edan Orgad 4/06/07